

Senate File 403 - Enrolled

Senate File 403

AN ACT

RELATING TO THE THEFT OF EQUIPMENT RENTAL PROPERTY, AND MAKING  
PENALTIES APPLICABLE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 714.1, subsection 9, Code 2017, is amended to read as follows:

9. *a.* Obtains the temporary use of video rental property or equipment rental property with the intent to deprive the owner of the use and possession of the video rental property or equipment rental property without the consent of the owner.

*b.* Lawfully obtains the temporary use of video rental property or equipment rental property and fails to return the video rental property or equipment rental property by the agreed time with the intent to deprive the owner of the use and possession of the video rental property or equipment rental property without the consent of the owner. The aggregate value of the video rental property or equipment rental property involved shall be the original retail value of the video rental property or equipment rental property.

Sec. 2. Section 714.6A, Code 2017, is amended to read as follows:

**714.6A Video or equipment rental property theft — evidence of intention — affirmative defense.**

1. The fact that a person obtains possession of video rental property or equipment rental property by means of deception, including but not limited to furnishing a false name, address,

or other identification to the owner, is evidence that possession was obtained with intent to knowingly deprive the owner of the use and possession of the video rental property or equipment rental property.

2. The fact that a person, having lawfully obtained possession of video rental property or equipment rental property, fails to pay the owner the fair market value of the video rental property or equipment rental property or to return or make arrangements acceptable to the owner to return the video rental property or equipment rental property to the owner within forty-eight hours after receipt of written notice and demand from the owner is evidence of an intent to knowingly deprive the owner of the use and possession of the video rental property or equipment rental property.

3. It shall be an affirmative defense to a prosecution under section 714.1, subsection 9, paragraph "a", if the defendant in possession of video rental property or equipment rental property pays the owner the fair market value of the video rental property or equipment rental property or returns the property to the owner within forty-eight hours of arrest, together with any standard overdue charges for the period that the owner was unlawfully deprived of possession, but not to exceed one hundred twenty days, and the value of the damage to the property, if any.

---

JACK WHITVER  
President of the Senate

---

LINDA UPMEYER  
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 403, Eighty-seventh General Assembly.

---

W. CHARLES SMITHSON  
Secretary of the Senate

Approved \_\_\_\_\_, 2017

---

TERRY E. BRANSTAD  
Governor